

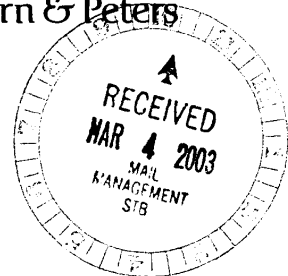
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207331

Freeborn & Peters

March 3, 2003

VIA FEDERAL EXPRESS

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001



**Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 403X);
The Burlington Northern and Santa Fe Railway Company Abandonment
of Wichita, Kansas Trackage and between Wichita and Valley Center,
Kansas**

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Dear Secretary Williams:

Enclosed for filing in the referenced docket are the original and ten copies of The Burlington Northern and Santa Fe Railway Company's Notice of Exemption, and a check for \$2,700.00, covering the filing fee.

Please acknowledge receipt of this material by date stamping the enclosed copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

The environmental and historic reports have been forwarded to the responsible agencies and copies have been directed to the Section of Environmental Analysis. The Notice of Exemption includes a certificate of notice upon various interested state and federal authorities (the U. S. Department of the Interior – National Park Service, Recreation and Conservation Assistance Program; the U. S. Department of the Interior – National Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the Kansas Corporation Commission; the Kansas Department of Transportation; and the Chief of Forest Service, U. S. Department of Agriculture).

Sincerely,

Brian Nettles

/bn
Enclosures

FEE RECEIVED
MAR 4 2003
SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings

MAR 4 2003

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Public Record

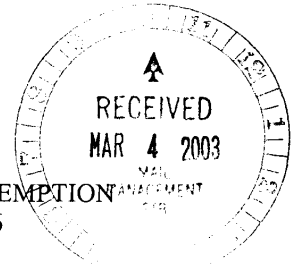
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MAR 4 2003
SURFACE
TRANSPORTATION BOARD

207331

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Abandonment of a line of Railroad
Between BNSF M.P. 494.22 and M.P. 505.20
in and near Wichita, Kansas and M.P. 515.23 and
M.P. 509.30 between Wichita and Valley Center,
Sedgwick County, Kansas

NOTICE OF EXEMPTION
Docket No. AB-6
(Sub-No. 403X)



TO THE SURFACE TRANSPORTATION BOARD:

The Burlington Northern and Santa Fe Railway Company (BNSF) hereby notifies the Board that it intends to abandon its line of railroad between M.P. 494.22 and M.P. 505.20 in and near Wichita and M.P. 515.23 and M.P. 509.30 between Wichita and Valley Center, Sedgwick County, Kansas, total distance of 16.91 miles, pursuant to the Board's Exemption of Out of Service Rail Lines, 49 C.F.R. § 1152.50 and in support of the

Notice, respectfully provides the following information:

- I. Proposed consummation date for the abandonment.

April 23, 2003

- II. Certification required in 49 C.F.R. § 1152.50(b)

FEE RECEIVED

MAR 4 2003

**SURFACE
TRANSPORTATION BOARD**

The attached Certification of Michael Smith certifies that no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two years. The attached Verification of Richard A. Batic certifies that no local traffic has moved over this line for at least two (2) years and any overhead traffic on the line can be rerouted over other lines.

ENTERED
Office of Proceedings

MAR 4 2003

Part of
Public Record

FILED

MAR 4 2003

**SURFACE
TRANSPORTATION BOARD**

III. Information required by C.F.R. § 1152.22(a)(1-4), (7), (8) and (e)(4).

(a) General

- (1) Exact name of Applicant.

The Burlington Northern and Santa Fe Railway
Company

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) Relief sought.

BNSF seeks an exemption from Surface Transportation Board approval authorizing the abandonment and discontinuance of service of the Wichita, Kansas to Valley Center Kansas line specified above.

- (4) Detailed map of the subject line.

See Exhibit A.

- (5) Name, title and address of representative of applicant to whom correspondence should be sent.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, IL 60606-6677

- (6) List of all United State Postal Service ZIP Codes that the line traverses.

The Wichita, Kansas to Valley Center, Kansas line traverses United States Postal Service Zip codes 67147, 67204, 67206, 67208, 67214, 67219 and 67230.

- (7) Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

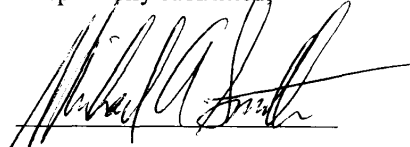
The right of way may be suitable for use for other public purposes such as a trail. On part of the properties involved, title considerations may affect the conveyance of the land for use other than railroad purposes. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. Level of protection.

The interest of railroad employees will be protected by the conditions imposed in Oregon Short Line RR Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979)

V. Certification that the notice requirements of §§ 1152.50(d)(1) and 1105.11 have been met. attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", is written over a horizontal line.

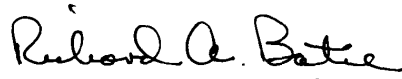
Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, IL 60606-6677
(312) 360-6724
FAX: (312) 360-6598

Date: March 3, 2003

VERIFICATION

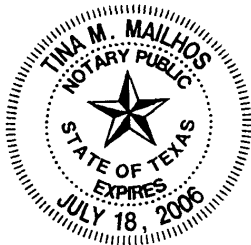
STATE OF TEXAS)
)ss
COUNTY OF TARRANT)

Richard A. Batie makes oath and says he is Manager, Shortline Development in the Network Development department of The Burlington Northern and Santa Fe Railway Company; that he has been authorized by the Applicant to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-6 (Sub-No. 403X); that he affirms that the line has had no local traffic in the prior two (2) years and that there is no overhead traffic to be rerouted; that he has carefully examined all of the statements in the Notice; that he has knowledge of the facts and matters relied upon in the Notice; and that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.



Richard A. Batie
Manager, Shortline Development

Subscribed and sworn to before me the 28 day of January, 2003.

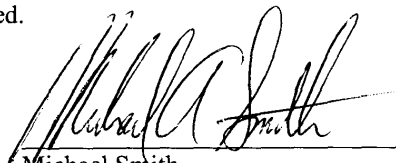



Notary Public

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
NO. AB-6 (Sub-No. 403X)

CERTIFICATION

I hereby certify that (1) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two (2) years; (2) service of notice upon the U.S. Department of the Interior, National Park Service, Recreation Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the Kansas Corporation Commission; the Kansas Department of Transportation; and the Chief Forest Service, U.S. Department of Agriculture was accomplished by mailing a copy thereof on February 12, 2003; (3) the environmental and historic reports were serviced upon the agencies identified in 49 C.F.R. § 1105.7(b) and the State Historic Preservation Offices on February 12, 2003; (4) service of notice upon the State Clearinghouses was accomplished by mailing a copy thereof on February 12, 2003; and (5) the publication requirements of 49 C.F.R. § 1105.12 have been complied with, to wit: publication of notice was accomplished on February 17, 2003 in The Wichita Eagle, affidavits of publication are attached.

A handwritten signature in black ink, appearing to read "Michael Smith", is written over a horizontal line.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, IL 60606-6677
(312) 360-6724
FAX: (312) 360-6598

March 3, 2003

AFFIDAVIT

STATE OF KANSAS \
 - SS.
County of Sedgwick /

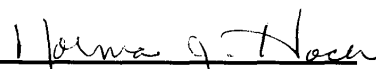
Milt Mounts, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for 1 consecutive **issue** - weeks, that the first publication of said notice was made as aforesaid on the 18th day, of February A.D. 2003, with subsequent publications being made on the following dates:

And affiant further says that _____ he has personal knowledge of the statements above set forth and that they are true.



Subscribed and sworn to before me this

18th Day of February, 2003


Notary Public ~~Sedgwick County, Kansas~~
NORMA J. HOCH
NOTARY PUBLIC
STATE OF KANSAS
My Appointment Expires August 12, 2006
My Appt Exp _____

Printer's Fee \$114.00

LEGAL PUBLICATION

Published in The Wichita Eagle
February 18, 2003 (1800157)

NOTICE OF INTENT TO ABANDON

The Burlington Northern and Santa Fe Railway Company gives notice that on or after March 4, 2003, it intends to file with the Surface Transportation Board, Washington, DC 20423, an abandonment notice of exemption under 49 CFR 1152 Subpart F -- Exempt Abandonments permitting the abandonment of or discontinuance of service on 16.91 miles of railroad line between railroad milepost 494.22 and milepost 505.20 in or near Wichita, Kansas and between Wichita (milepost 509.30) and Valley Center (milepost 515.23), Kansas, which line segment traverses through United States Postal Zip Codes 67147, 67204, 67206, 67208, 67214, 67219 and 67230 in Sedgwick County, Kansas. The proceeding will be docketed as No. AB-6 (Sub-No. 403X).

The Board's Section of Environmental Analyses (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analyses, Surface Transportation Board, 1225 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1538.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1225 K Street, N.W., Washington DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative Michael Smith, Freeborn & Peters, 311 S. Wacker Drive, Suite 3000, Chicago, Illinois 60606-6677 - telephone (312) 360-6724.

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The Burlington Northern and
Santa Fe Railway Company Notice of Exemption to
Abandon Its Line of Railroad Between M.P.
494.22 and 505.20 in and near Wichita
and M.P. 515.23 and M.P. 509.30 between
Wichita and Valley Center, Sedgwick County,
Kansas

Docket No. AB-6
(Sub No. 403X)

ENVIRONMENTAL REPORT

The following information is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board 's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board 's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between M.P. 494.22 and 505.20 in and near Wichita and M.P. 515.23 and M.P. 509.30 between Wichita and Valley Center, Sedgwick County, Kansas, total distance of 16.91 miles.

(1) Proposed action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any railline and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon and discontinue service of the line. A map of the line is attached as Exhibit A.

(2) Transportation system. Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no affect on existing transportation systems or patterns as the line is out of service.

(3) Land Use: (i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The proposed abandonment is consistent with local land use plans. See Exhibit B, letter from Wichita-Sedgwick County Metropolitan Area Planning Department. BNSF is continuing to work with the city of Wichita to preserve the area from East Wichita to the Sedgwick-Butler County line a greenway.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The proposed abandonment will have no effect on prime farmland. See Exhibit C, letter from the Natural Resources Conservation Service, Salina, Kansas.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The line may be suitable for alternative public use. See Exhibit B, letter from Wichita-Sedgwick County Metropolitan Planning Department.

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy.

To the best of BNSF's knowledge there are no undeveloped energy resources such as oil, natural gas or coal in the vicinity of this line.

(ii) Describe the effect of the proposed action on recyclable commodities.

The abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service.

(5) Air:

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles per day on any affected road segment as the line is out of service.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

This action will have no effect of the transportation of ozone-depleting materials.

(6) Noise: If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) Safety: (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. The proposed abandonment will eliminate freight service over 34 public crossings and 8 private crossings. During the salvage operations on the line, precautions

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There is no evidence of known hazardous waste site or sites where there have been known hazardous materials spills on the right of way between Wichita, Kansas and Valley Center, Kansas between M.P. 515.23 and 509.30 or in and near Wichita, Kansas between M.P. 494.22 and M.P. 505.20.

(8) Biological resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The following federally listed and proposed threatened or endangered species may be present in the area proposed for abandonment: the speckled chub (*Macrhybopsis aestivalis*), the Arkansas River shiner (*Notropis girardi*), bald eagle (*Haliaeetus leucocephalus*), least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), and whooping crane (*Grus americana*). However, the proposed line abandonment should have no adverse impacts on these species. See Exhibit D, Letter from the United States Department of the Interior, Fish and Wildlife Service, Manhattan, Kansas and see Exhibit E, letter from the Kansas Natural Heritage Inventory

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

There are no public lands administered by the Bureau of Land Management that will be effected by the proposed abandonment. See Exhibit F, letter from the United States Department of the Interior, Bureau of Land Management, Moore, Oklahoma. There are no wildlife sanctuaries, refuges, state or federal parks affected by the proposed abandonment. See Exhibits G and H, letters from the State of Kansas Department of Wildlife and Parks, Topeka, Kansas

(9) Water: (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

If there are any impacts to bridges that during the activity may impede water in the stream, a permit from the Department of Agricultural-Division of

Water Resources may be required. See Exhibit I, letter from the Kansas Department of Health & Environment. BNSF does not anticipate any such impacts to bridges. The Kansas Department of Health and Environment has stated that the railroad should write a pollution control plan to address any potential water quality problems to which the action of rail abandonment may contribute. See Exhibit J, Agency Review Transmittal Form from the Kansas Department of Health and Environment, Division of Environment. Salvage contractors shall be made aware of this agency request in advance of salvage. If the proposed project includes the construction of the dam, or if it in any way changes or diminishes the course, current or cross section of a stream or watercourse in Kansas, the Burlington Northern and Santa Fe Railway Company may be required to obtain a permit and approval from the Chief Engineer prior to construction. See Exhibit K, letter from the State of Kansas Department of Agriculture. BNSF does not anticipate any such construction of a dam or alteration of a water course.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

A Section 404 permit is not required. See Exhibit L, letter from the Army Corps of Engineers. Removal of the track rails should not have any effects on the 100 year floodplains. See Exhibit M, letter from the City of Wichita, Department of Public Works and See Exhibit N, letter from the Sedgwick County Public Works.

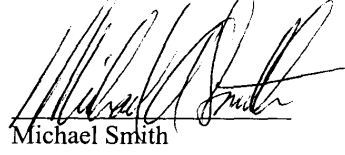
(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.

If construction activity exceeds five acres of soil surface disturbance, BNSF may need to submit a Notice of Intent form to be covered by the Kansas general permit for construction stormwater discharges. If construction is expected to continue beyond March 10, 2003 the need to submit a Notice of Intent form for construction stormwater discharge would be reduced to one acre. See Exhibit I, letter from the Kansas Department of Health and Environment.

(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposes mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. Discontinuance of rail service in the area should mitigate adverse environmental impacts of continued operations.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", written over a horizontal line.

Michael Smith

Freeborn & Peters

311 S. Wacker Dr. Suite 3000

Chicago, Illinois 60606-6677

Phone: (312) 360-6724

Fax: (312) 360-6598

Date: March 3, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The Burlington Northern and
Santa Fe Railway Company Notice of Exemption to
Abandon Its Line of Railroad Between M.P.
494.22 and 505.20 in and near Wichita
and M.P. 515.23 and M.P. 509.30 between
Wichita and Valley Center, Sedgwick County,
Kansas

Docket No. AB-6
(Sub No. 403X)

HISTORICAL REPORT

The following is submitted to the Surface Transportation Board by The
Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the
Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting
the Board's environmental and historical assessment regarding BNSF's Notice of
Exemption to abandon its line of railroad between M.P. 494.22 and M.P. 505.20 all in or
near Wichita, Kansas and additionally between Wichita M.P. 509.30 and Valley Center
M.P. 515.23 Kansas, a total distance of 16.91 miles.

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently
detailed to show buildings and other structures in the vicinity of the proposed action)
showing the location of the proposed action, and the locations and approximate
dimensions of the railroad structures that are 50 years old or older and are part of the
proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the Kansas
Historical Society and one copy is being provided to the Surface Transportation Board's
Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to
the extent known) and the topography and urban and/or rural characteristics of the
surrounding area:

The 10.98 mile Wichita, KS Trackage is located in Sedgwick county, Kansas and the right of way goes from rural/suburban characteristics near the Sedgwick/Butler county line to the downtown area of Wichita, KS, a major Midwestern city. Wichita, Kansas has a population of 344,284 as listed in the 2002 Rand McNally atlas. The corridor is 100 feet wide with minimal station property and the right of way and adjacent property is generally flat.

The 5.93 Wichita to Valley center, KS line is located in Sedgwick county Kansas and the right of way is generally suburban/rural in nature. Valley Center has a population of 4,883 as listed in the 2002 Rand McNally atlas. This corridor is also 100 feet wide with minimal station property and the adjacent real estate is generally flat.

(3) Good quality photographs (actual photographic prints, not photocopies) or railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There no structures along the proposed abandonment that are 50 years old or older other than two bridges. Photographs of the bridges are attached in exhibit O.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

Bridge 509.3 and bridge 509.4 were built in 1952. Bridge 503.91 and bridge 503.96 were built in 1977.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The right of way of the Wichita, KS Trackage as well as the right of way of the Wichita to Valley Center, KS line was acquired by the St Louis Wichita and Western Railway Company and the Kansas Midland Railway Company, both predecessors in

interest to the St Louis-San Francisco Railway Company (SLSF) from 1879 to 1887. SLSF merged into the Burlington Northern Railroad Company (BN) in 1980. BN and The Atchison Topeka and Santa Fe Railway Company merged in 1995 to become The Burlington Northern and Santa Fe Railway Company (BNSF).

The Wichita, KS Trackage and the Wichita to Valley Center, KS line have both been out of service for several years.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

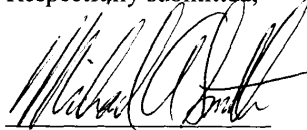
(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

The Kansas State Historical Society states the proposed abandonment should have no affect of property listed on the National Register of Historical Places otherwise identified in their files as having historical significance. See Exhibit P, letter from the Kansas State Historical Society.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", written over a horizontal line.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: March 3, 2003

CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c)

The Burlington Northern and Santa Fe Railway Company ("BNSF") by and through its authorized representative, Michael Smith, certifies that on February 12, 2003, BNSF sent copies of the foregoing Environmental and Historical Reports by first class mail to the following agencies:

Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Richard Pankratz
Director of Historic Preservation
6425 SW Sixth Avenue
Topeka, Kansas 66615-1109

John Ledbetter
Realty Specialist
Bureau of Land Management
Moore Field Station
221 N. Service Road
Moore, OK 73160

Jim Hays
Terrestrial Ecologist
Kansas Department of Wildlife & Parks
512 SE 25th Avenue
Pratt, KS 67124

Clinton Riley
Legal Counsel
Kansas Department of Wildlife & Parks
512 SE 25th Avenue
Pratt, KS 67124

Dennis Lawler
Kansas Department of Agriculture
Division of Water Resources
901 S. Kansas Avenue
Topeka, KS 66612

Commissioner Carolyn McGinn
Fourth District
Sedgwick County Board of Commissioners
525 N. Main, #320
Wichita, KS 67203

Tracy Streeter
Kansas State Conservation Commission
109 SW 9th Street
Topeka, KS 66612

William Gill
Field Supervisor
U.S. Fish & Wildlife Service
315 Houston Street, Suite E
Manhattan, KS 66502

Ralph Morgenweck
Regional Director
U.S. Department of the Interior
U.S. Fish & Wildlife Services
P.O. Box 25486
Denver, CO 80025

Steve Penaluna
U.S. Army Corps of Engineers
Kansas City District
700 Federal Building
601 East 12th Street
Kansas City, MO 64106

Edward Dillingham
Kansas Department of Health and
Environment
Forbes Field-Building 283
Topeka, KS 66611

Robert Lytle
Environmental Scientist
Technical Services Section
Kansas Department of Agriculture
Topeka, KS 66612-1283

Karl Mueldener, Director
Kansas Department of Health and
Environment
Division of Environment
Bureau of Water
1000 SW Jackson St., Suite 420
Topeka, KS 66612-1367

Shawn Bryan, E.I.
Storm Water Management
City of Wichita
Department of Public Works
455 N. Main, 8th Floor
Wichita, KS 67202

Kansas Department of Transportation
915 Harrison, Room 754
Docking State Office Building
Topeka, KS 66612-1568

Jennifer Delisle
Data Manager
Kansas Biological Survey
Natural Heritage Program
2021 Constant Avenue
Lawrence, KS 66047

U.S. Department of the Interior
National Park Service
Land Resource Division
1849 C Street, N.W.
Washington, DC 20240

Joe Mester
Kansas Department of Health and
Environment
Bureau of Water
Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, Kansas 66612-1367

Ronald Hammerschmidt, Ph.D.,
Director
Kansas Dept. of Health & Environment
Division of Environment
1000 SW Jackson, Suite 420
Topeka, Ks. 66612-1367

James E. Weber, P.E.
Sedgwick County Public Works
1144 S. Seneca
Wichita KS 67213

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-2425

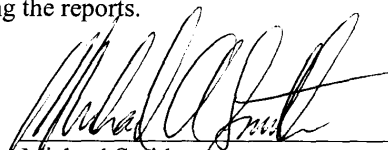
Tomas Dominguez
State Conservationist
Kansas Natural Resources Conservation
Service
760 S. Broadway
Salina, Kansas 67401-4642

U.S. Environmental Protection Agency
Region 7
901 North 5th St.
Kansas City, KS 66101

Edward McKay
National Geodetic Survey
NOAA - SSMC3
1315 East-West Highway
Silver Spring, MD 20914

Jamsheed Mehta
Chief Planner
Wichita-Sedgwick County Metropolitan
Area Planning Department
455 N. Main, 10th Floor
Wichita, KS 67202-1688

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.

A handwritten signature in black ink, appearing to read "Michael Smith", is written over a horizontal line.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: March 3, 2003

A

[illegible]

PRINTER COPY

B



Wichita-Sedgwick County Metropolitan Area Planning Department

December 8, 2000

Mr., John A. Sims
The Burlington Northern and Santa Fe Railway
2500 Lou Menk Drive
P.O. Box 961039
Fort Worth, TX 76161-0039

Dear Mr. Sims:

Thank you for the opportunity to respond to BNSF's proposal for abandonment in Sedgwick County, Kansas. We are aware that these two railroad lines have not been used for a few years, and have anticipated a notice of abandonment.

The Wichita-Sedgwick County's Park and Open Space Master Plan is an element of the community's Comprehensive Plan. A specific goal in this Plan is to establish a network of linear parks and recreational corridors, and one of the stated strategies is to monitor the availability of railroad right-of-way and utility corridors and, when feasible, aggressively pursue the acquisition of such corridors for recreation.

Regarding the Wichita-Valley Center railroad line, it is not presently designated as a "greenway" in the Park and Open Space Plan. However, the Metropolitan Area Planning Department is aware that the cities of Park City and Valley Center are considering the railbanking alternative. The railway line from East Wichita to the Sedgwick-Butler County line is designated as a proposed "greenway," and the Planning Department is in the process of engaging a consultant to prepare plans for "interim trail use" that will help the community to decide whether to pursue this option.

Based on our review of the Comprehensive Plan and local land use developments, we find that the proposed action for abandonment is consistent with the Plan.

We look forward to working with you through this interim trail use process.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Mehta', written over a horizontal line.

Jamsheed Mehta, AICP
Chief Planner
Transportation Division

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichitagov.org

C



**United States Department of Agriculture
Natural Resources Conservation Service**

**760 South Broadway
Salina, KS 67401-4642**

Phone: 785-823-4500

FAX: 785-823-4540

December 5, 2000

Mr. John A. Sims
Certified Legal Assistant
The Burlington Northern and Santa Fe Railway
P.O. Box 961039
Fort Worth, Texas 76161-0039

Dear Mr. Sims:

Thank you for the opportunity to review the proposed plans of the Burlington Northern and Santa Fe Railway Company to abandon approximately 16.91 miles of railroad located in Sedgwick County, Kansas.

The proposed project should have no effect on prime farmland. There are no other negative effects for which the Natural Resources Conservation Service is responsible for evaluating as defined by the Farmland Protection Policy Act.

If I can be of further assistance, please let me know.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tomas M. Dominguez". Below the signature, the words "ACTING FOR" are printed in a small, sans-serif font.

TOMAS M. DOMINGUEZ
State Conservationist

cc:

Jesse F. Crockford, Assistant State Conservationist, NRCS, Hutchinson, Kansas
Robert K. Stutzman, District Conservationist, NRCS, Wichita, Kansas
Susan Erienwein, Conservation District Manager, Sedgwick County CD, Wichita, Kansas

D



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Kansas Field Office
315 Houston Street, Suite E
Manhattan, Kansas 66502-6172

November 30, 2000

John A. Sims
Certified Legal Assistant
Burlington Northern and Santa Fe Railway Company
2500 Lou Menk Drive, P.O. Box 961039
Fort Worth, Texas 76161-0039

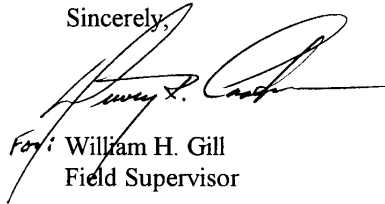
Dear Mr. Sims:

This responds to your letter of November 15, 2000 describing a proposed abandonment of 16.91 miles of existing railway line between Wichita and Valley Center, in Sedgwick County, Kansas. In response to your specific inquiry, and in accordance with section 7(c) of the Endangered Species Act (16 U.S.C. 1531 et seq.), we have determined that the following federally-listed threatened or endangered species may occur in the vicinity of the Arkansas River, adjacent to the rail line in question: bald eagle (*Haliaeetus leucocephalus*), least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), and whooping crane (*Grus americana*). However, if this action is simply a line abandonment, it appears likely that there should be no adverse impacts to fish and wildlife resources, including threatened and endangered species. Therefore, the U.S. Fish and Wildlife Service has no objection to your proposal as planned.

The Service encourages the BNSF Railway Company to keep the right-of-way in a natural condition for the benefit of native wildlife, plants, and the public. You may wish to contact Mary Mae Hardt, National Park Service, Omaha, Nebraska (402) 221-3350, for more information on the "Rails to Trails" Program. You may also wish to contact the Kansas Department of Wildlife and Parks in Pratt, Kansas (316-672-5911) to determine their interest in acquiring a nature trail.

Thank you for this opportunity to comment on your proposal.

Sincerely,



For: William H. Gill
Field Supervisor

cc: KDWP, Pratt, KS (Environmental Services)

This is your future. Don't leave it blank. -- Support the 2000 Census.

E

The University of Kansas

Kansas Biological Survey

November 29, 2000

John A. Sims
The Burlington Northern and Santa Fe Railway
2500 Lou Menk Drive
P.O. Box 961039
Fort Worth, TX 76161-0039

Dear Mr. Sims:

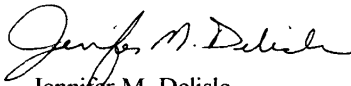
This letter is in response to your request for information on the potential effects of the abandonment of 16.91 miles of railroad line near Wichita, Kansas.

Our database contains no records of endangered or threatened species in the vicinity of the project although no surveys for such species have been conducted in the area. The Arkansas River as it runs through Wichita is designated as critical habitat for the speckled chub (*Macrhybopsis aestivalis*) and the Arkansas River shiner (*Notropis girardi*).

The Kansas Natural Heritage Inventory does not have regulatory authority for rare or endangered species in Kansas. The Kansas Department of Wildlife and Parks (in Pratt: 316-672-5911) administers regulations pertaining to state listed threatened and endangered species and the U. S. Fish and Wildlife Service (in Manhattan: 785-539-3474) has regulatory authority for federally listed species.

Please feel free to call at 785-864-7639 if you additional questions or concerns.

Sincerely,



Jennifer M. Delisle
Information Manager
Kansas Natural Heritage Inventory

F



IN REPLY REFER TO:

2000 (04410)

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

MOORE FIELD STATION
221 N. Service Road
Moore, Oklahoma 73160-4946
<http://www.nm.blm.gov>

November 21, 2000

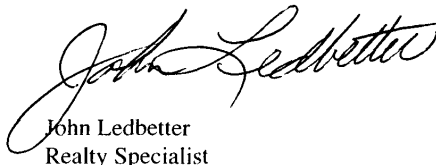
Mr. John A. Sims
Burlington Northern and Santa Fe Railway Company
P.O. Box 961039
Fort Worth, TX 76161-0039

Dear Mr. Sims:

Thank you for the opportunity for input concerning the planned abandonment of 16.91 miles of railroad line between Milepost 505.20 and Milepost 494.22 all in or near Wichita, Kansas and additionally between Wichita (Milepost 509.30) and Valley Center (Milepost 515.23), Kansas. Your letter indicated you were seeking information as to "whether or not there are any wildlife sanctuaries or refuges, National or State parks or forests in the proposed project impact area." The Bureau of Land Management (BLM) is responsible for the management of public lands. Public lands are defined as any land or interest in land owned by the United States administered by the Secretary of the Interior through the BLM. There are no public lands within or near the subject area and therefore, we have no substantive comments pertaining to the planned abandonment at this time. However, jurisdiction for wildlife sanctuaries, wildlife refuges, National or State parks, and forests would be with agencies other than the BLM. The proper agencies to respond to your specific needs would include the U.S. Fish and Wildlife Service for any units of the national wildlife refuge system, the National Park Service for national parks, the U.S. Forest Service for national forests and grasslands, Kansas Department of Wildlife and Parks and other State of Kansas agencies for state wildlife sanctuaries or refuges, state parks, and state forests.

If you have addition questions or concerns pertaining to the planned abandonment, please feel free to contact me at the letterhead address or by phone at (405) 794-9624, ext. 1014.

Sincerely,



John Ledbetter
Realty Specialist

G



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Operations Office
512 SE 25th Avenue
Pratt, KS 67124-8174
316/672-5911 FAX 316/672-6020



November 28, 2000

Mr. John A. Sims
The Burlington Northern and Santa Fe Railway
P.O. Box 961039
Fort Worth, TX 76161-0039

Ref: D2.0401A
Sedgwick
BNSF RR Abandonment
Track: 20000697

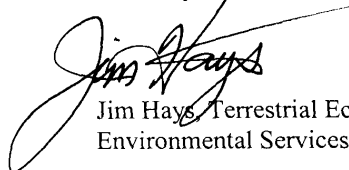
Dear Mr. Sims:

We have reviewed the Burlington Northern and Santa Fe Railway Company (BNSF) map submitted, showing the nearly 17 miles of railroad line proposed for abandonment in Sedgwick County. The project was reviewed for potential impacts on crucial wildlife habitats, current state-listed threatened and endangered species and species in need of conservation, and public recreation areas for which this agency has some administrative authority.

As long as project activity remains within the existing BNSF right-of-way, none of the cited resources should be impacted. We recommend reseeded any vegetation impacted by project activities to native grasses and forbs; and implementing erosion control BMP's, as needed, throughout the project area.

Results of our review indicate there will be no significant impacts to crucial wildlife habitats; therefore, no special mitigation measures are recommended. The project will not impact any public recreational areas, nor could we document any potential impacts to currently listed threatened or endangered species or species in need of conservation. No Department of Wildlife and Parks permits or special authorizations will be needed if construction is started within one year, and no design changes are made in the project plans. Since the Department's recreational land obligations and the State's species listings periodically change, if construction has not started within one year of this date, or if design changes are made in the project plans, the project sponsor must contact this office to verify continued applicability of this assessment report. For our purposes, we consider construction started when advertisements for bids are distributed.

Sincerely,


Jim Hays, Terrestrial Ecologist
Environmental Services Section

JFH:md

xc: Region 4, Sorensen

H



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
900 SW Jackson, Suite 502
Topeka, KS 66612-1233
785/296-2281 FAX 785/296-6953



November 20, 2000

John A. Sims
Certified Legal Assistant
The Burlington Northern and Santa Fe Railway
P.O. Box 961039
Fort Worth, TX 76161-0039

Re: Proposed Abandonments in and near Wichita, Kansas
Milepost 505.20 to Milepost 494.22
Milepost 509.30 to Milepost 515.23

Dear Mr. Sims:

In response to your letter dated November 15, 2000, concerning proposed abandonment of the two section of railroad line described above, our agency offers the following comments in response to your specific requests for information.

The nearest state park to the proposed abandonments would be El Dorado State Park in Butler County, Kansas, which is approximately 20 miles east of the easternmost point of the proposed abandonments. We are not aware of any other state or federal parks within that distance. In addition, we have no direct knowledge of the suitability of the rights-of-way for alternative use as public recreational trail. Our agency would have no intention of applying for railbanking status, however, and consequently we do not expect to have any further information to offer regarding the proposed abandonments. We do not know whether any other local or federal governmental entity would have further comment along these lines.

We trust this information meets your needs and requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Clinton Riley".

Clinton Riley
Department Legal Counsel

I



KANSAS

DEPARTMENT OF HEALTH & ENVIRONMENT

BILL GRAVES, GOVERNOR

Clyde D. Graeber, Secretary

February 15, 2002

Mr. Bryan Nettles
Freeborn & Peters
311 S. Wacker Dr., Ste. 3000
Chicago, IL 60606

Re: Burlington Northern & Santa Fe Railway Co.
Abandonment of the Following Lines:
Ottawa, KS Trackage
Trackage between Columbus, KS and Carthage, MO
Trackage between Wichita and Valley Center

Dear Mr. Nettles:

This Department is in receipt of individual letters for the above three referenced railway trackage abandonments and a request of the information as to whether a section 402 and/or an NPDES permit are required as a result of the proposed abandonment. From the information provided this Department can only indicated that if construction activities for each abandonment exceeds five acres of soil surface disturbance the project will need to submit a Notice of Intent form to be covered by the Kansas general permit for construction stormwater discharges. If construction is expected to continue beyond March 10, 2003 the need to submit a Notice of Intent form for construction stormwater discharge would be reduced to one acre.

Information on the Kansas Notice of Intent form and general permit for construction stormwater discharges can be located at the website at the following address: <http://www.kdhe.state.ks.us/stormwater>.

If there any impacts to bridges that during the activity may impede water in the stream you may need to obtain a permit from the Department of Agricultural-Division of Water Resources for the stream crossings.

If you have any additional questions, please contact this office.

Sincerely,

Joe Mester, P.E.
Chief, Industrial Unit
Bureau of Water

dg

J

AGENCY REVIEW TRANSMITTAL FORM

Comments by:

Transmittal Date

This form provides notification and the opportunity for your agency to review and comment on this proposed project as required by Executive Order 12372. Review Agency, please complete Parts II and III as appropriate and return to contact person listed below. Your prompt response will be appreciated.

RETURN TO: Mr. John Sims
BNSF
2500 Lou Menk Drive
P.O. Box 961039
Fort Worth, TX 76161-0039

PART I REVIEW AGENCIES/COMMISSIONS

<input type="checkbox"/> Aging	<input type="checkbox"/> Education	<input type="checkbox"/> State Forester
<input type="checkbox"/> Agriculture-DWR	<input type="checkbox"/> Geological Survey, KS	<input type="checkbox"/> Transportation
<input type="checkbox"/> Biological Survey, KS	<input checked="" type="checkbox"/> Health & Environment	<input type="checkbox"/> Water Office, KS
<input type="checkbox"/> Conservation Commission	<input type="checkbox"/> Historical Society	<input type="checkbox"/> Wildlife & Parks
<input type="checkbox"/> Corporation Commission	<input type="checkbox"/> Social & Rehabilitation Services	
<input type="checkbox"/> Commerce		

PART II AGENCY REVIEW COMMENTS

COMMENTS: (Attach additional sheet is necessary) Mr. Bill Bider offers this comment. KDHE requires proper disposal of all removed railroad ties at a permitted Solid Waste landfill unless the removal contractor or owner of the ties can demonstrate that the ties will be reused within a reasonable time frame.

Please see Ms. Judy Scherff, Bureau of Water comments.

PART III RECOMMENDED ACTION COMMENTS

<input type="checkbox"/> Clearance of the project should be granted.	<input type="checkbox"/> Clearance of the project should not be delayed but the Applicant should (in the final application) address and clarify the questions or concerns indicated above.
<input type="checkbox"/> Clearance of the project should not be granted.	
<input type="checkbox"/> Clearance of the project should be delayed until the issues or questions above have been clarified.	<input type="checkbox"/> Request the opportunity to review final application prior to submission to the federal funding agency.
<input type="checkbox"/> Request a State Process Recommendation in concurrence with the above comments.	

REVIEWER'S NAME: Ronald J. Hennessey DIVISIONS/AGENCY/COMMISSION

Date: December 6, 2000

Organization: Kansas Department of Health & Environment
Division of Environment

Kansas Department of Health & Environment
Division of Environment

AGENCY REVIEW TRANSMITTAL FORM

Comments by: Nonpoint Source Section
Bureau of Water6 December 2000
Transmittal Date

This form provides notification and the opportunity for your agency to review and comment on this proposed project as required by Executive Order 12372. Review Agency, please complete Parts II and III as appropriate and return to contact person listed below. Your prompt response will be appreciated.

RETURN TO:

PART I REVIEW AGENCIES/COMMISSIONS

<input type="checkbox"/> Aging	<input type="checkbox"/> Education	<input type="checkbox"/> State Forester
<input type="checkbox"/> Agriculture-DWR	<input type="checkbox"/> Geological Survey, KS	<input type="checkbox"/> Transportation
<input type="checkbox"/> Biological Survey, KS	<input checked="" type="checkbox"/> Health & Environment	<input type="checkbox"/> Water Office, KS
<input type="checkbox"/> Conservation Commission	<input type="checkbox"/> Historical Society	<input type="checkbox"/> Wildlife & Parks
<input type="checkbox"/> Corporation Commission	<input type="checkbox"/> Social & Rehabilitation Services	
<input type="checkbox"/> Commerce		

PART II AGENCY REVIEW COMMENTS

COMMENTS: (Attach additional sheet if necessary)

The railroad should write a pollution control plan to address any potential water quality problems to which the action of rail abandonment may contribute.

PART III RECOMMENDED ACTION COMMENTS

<input type="checkbox"/> Clearance of the project should be granted.	<input checked="" type="checkbox"/> Clearance of the project should not be delayed but the Applicant should (in the final application) address and clarify the questions or concerns indicated above.
<input type="checkbox"/> Clearance of the project should not be granted.	
<input type="checkbox"/> Clearance of the project should be delayed until the issues or questions above have been clarified.	<input type="checkbox"/> Request the opportunity to review final application prior to submission to the federal funding agency.
<input type="checkbox"/> Request a State Process Recommendation in concurrence with the above comments.	

DIVISIONS/AGENCY/COMMISSION

Reviewer's Name: Judy ScherffDate: 6 December 2000Organization: Kansas Department of Health & Environment
Division of Environment

K

STATE OF KANSAS

BILL GRAVES, GOVERNOR
Jamie Clover Adams, Secretary of Agriculture
109 SW 9th Street
Topeka, Kansas 66612-1280
(785) 296-3558
FAX: (785) 296-8389

Division of Water Resources
David L. Pope, Chief Engineer
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
(785) 296-3717 FAX (785) 296-1176

KANSAS DEPARTMENT OF AGRICULTURE

December 7, 2000

Mr. John A Sims
The Burlington Northern and
Santa Fe Railway
2500 Lou Menk Drive
PO Box 961039
Forth Worth, Texas 76161-0039

RE: DWR A-95 2000.406

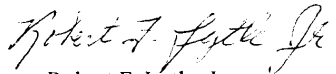
Dear Mr. Sims:

This will acknowledge receipt of your letter and attachments dated November 15, 2000 regarding your plans to file an exemption to abandon a total of 16.91 miles of railroad line in or near Wichita, Sedgwick County, Kansas.

If the proposed project includes the construction of a dam, or if it in any way changes or diminishes the course, current or cross section of a stream or watercourse in this state, it is subject to the provisions of K.S.A. 82a-301 to 305a, which requires the issuance of a permit and approved by the Chief Engineer prior to construction.

If you have questions regarding water structures, please contact Dennis Lawlor at (785) 296-5440.

Sincerely yours,



Robert F. Lytle, Jr.
Environmental Scientist
Technical Services Section

RFL:drc

pc: Bruce Falk, Water Commissioner, Stafford Field Office

L



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
STATE REGULATORY PROGRAM OFFICE - KANSAS
2710 N.E. SHADY CREEK ACCESS ROAD
EL DORADO, KANSAS 67042

REPLY TO
ATTENTION OF:

November 28, 2000

Kansas State Regulatory Office
(200100289)
(Sedgwick, KS, NPR)

Mr. John A. Sims
Burlington Northern Santa Fe Railway
P. O. Box 961039
Fort Worth, Texas 76161-0039

Dear Mr. Sims:

This is in response to your letter received on November 20, 2000, requesting a Department of the Army (DA) permit determination concerning the abandonment of two segments of railroad line. Site one originates in Section 36, Township 25 south, Range 1 west and extends 5.93 miles to Section 21, Township 26 south, Range 1 east. Site two originates in Section 16, Township 26 south, Range 1 east and extends 10.98 miles to Section 12, Township 27 south, Range 2 east. The entire project is located in Sedgwick County, Kansas.

The Corps of Engineers has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (33 USC 1344). The implementing regulation for this Act is found at 33 CFR 320-330.

We have reviewed the information furnished and have determined that the proposed activity will not involve the discharge of dredged or fill material in waters of the United States. Therefore, Department of the Army permit authorization is not required. Other Federal, state and/or local permits may be required, however, and you should verify this yourself.

Ms. Shannon J. Warner, Regulatory Specialist, reviewed the information furnished and made this determination. If you have any questions concerning this matter, please feel free to contact Ms. Warner at 316-322-8247 (FAX 316-322-8259).

Copies Furnished:

Environmental Protection Agency,
Water Resources Protection Branch
Kansas Department of Wildlife and Parks
Kansas Department of Agriculture
Kansas Department of Health and Environment

M



Department of Public Works

February 28, 2002

Freeborn & Peters
Attorneys at Law
Attn: Brian Nettles
Litigation Clerk
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606-6677

Re: The Burlington Northern and Santa Fe Railway Company Abandonment
Of Wichita, Kansas Trackage and between Wichita and Valley Center,
Kansas

Dear Mr. Nettles,

I have looked at the flood maps of the area between Wichita (Milepost 509.30) and Valley Center (Milepost 515.23) that you requested information on. To the best of my knowledge, I see no reason that removing the track rails and ties would have any affect on the 100 year floodplain. The only problem I foresee is if the Burlington Northern and Santa Fe Railway Company would remove any of the track roadbed material that would lower the existing elevations. It is possible that the areas where the roadbed would be removed would need to be studied in the future to make sure that the 100 year floodplain would not expand and inundate property that is currently protected by the roadbed.

I am sending you copies of the floodplain map of the area you requested for you use. If you have any questions please feel free to contact me.

Sincerely,

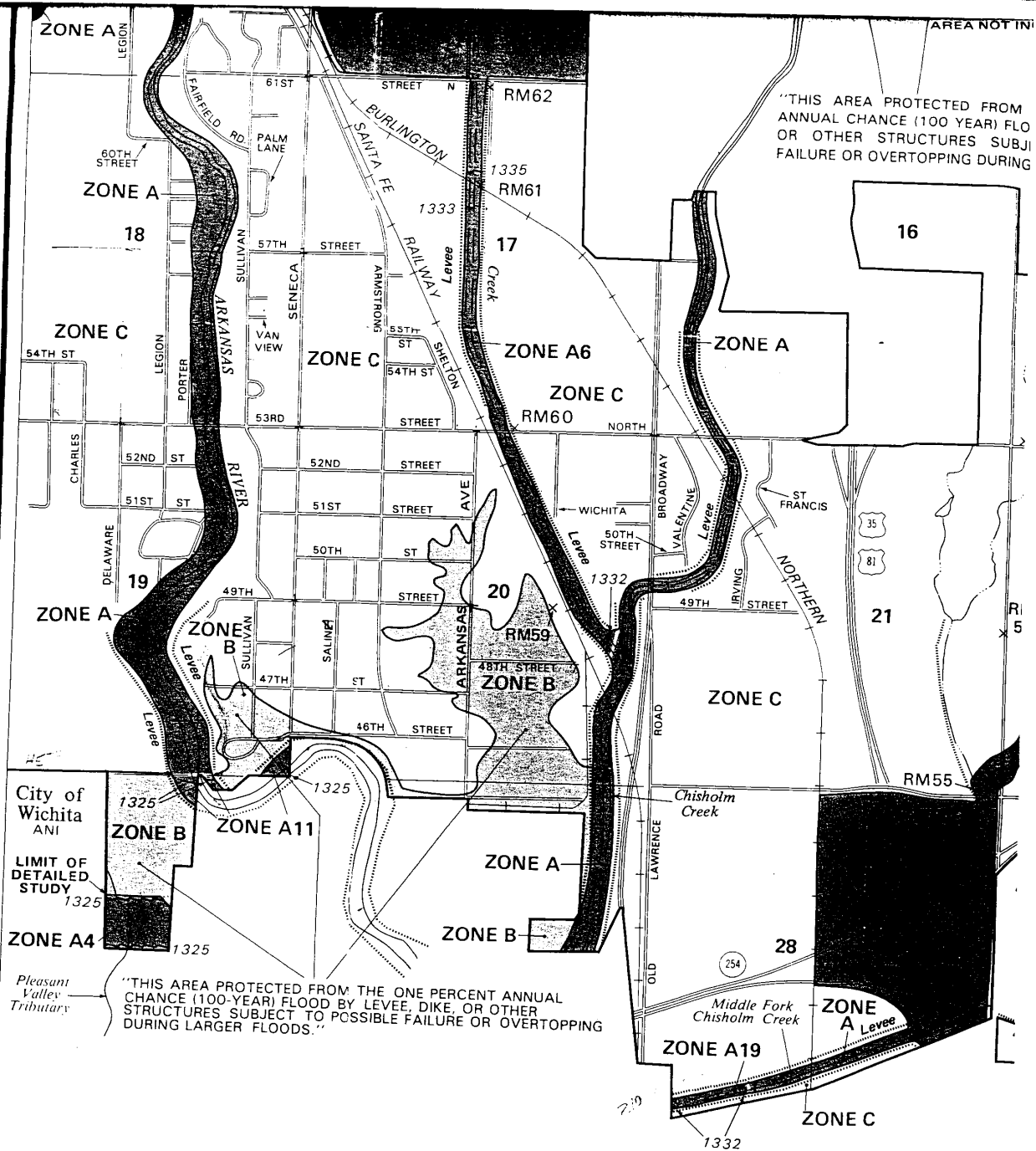
Shawn R. Bryan, E.I.
Storm Water Management

Enclosures

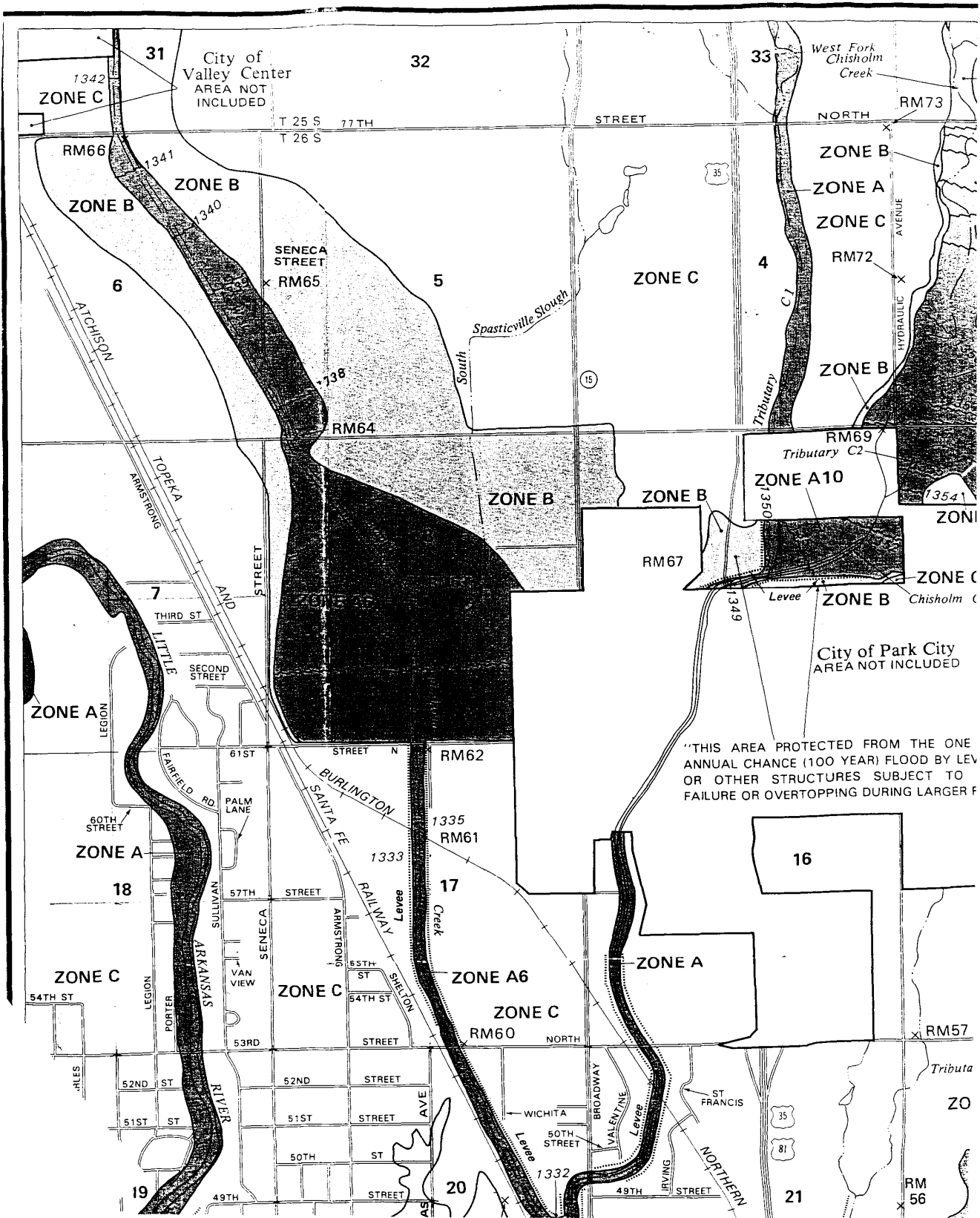
Storm Water Management Division

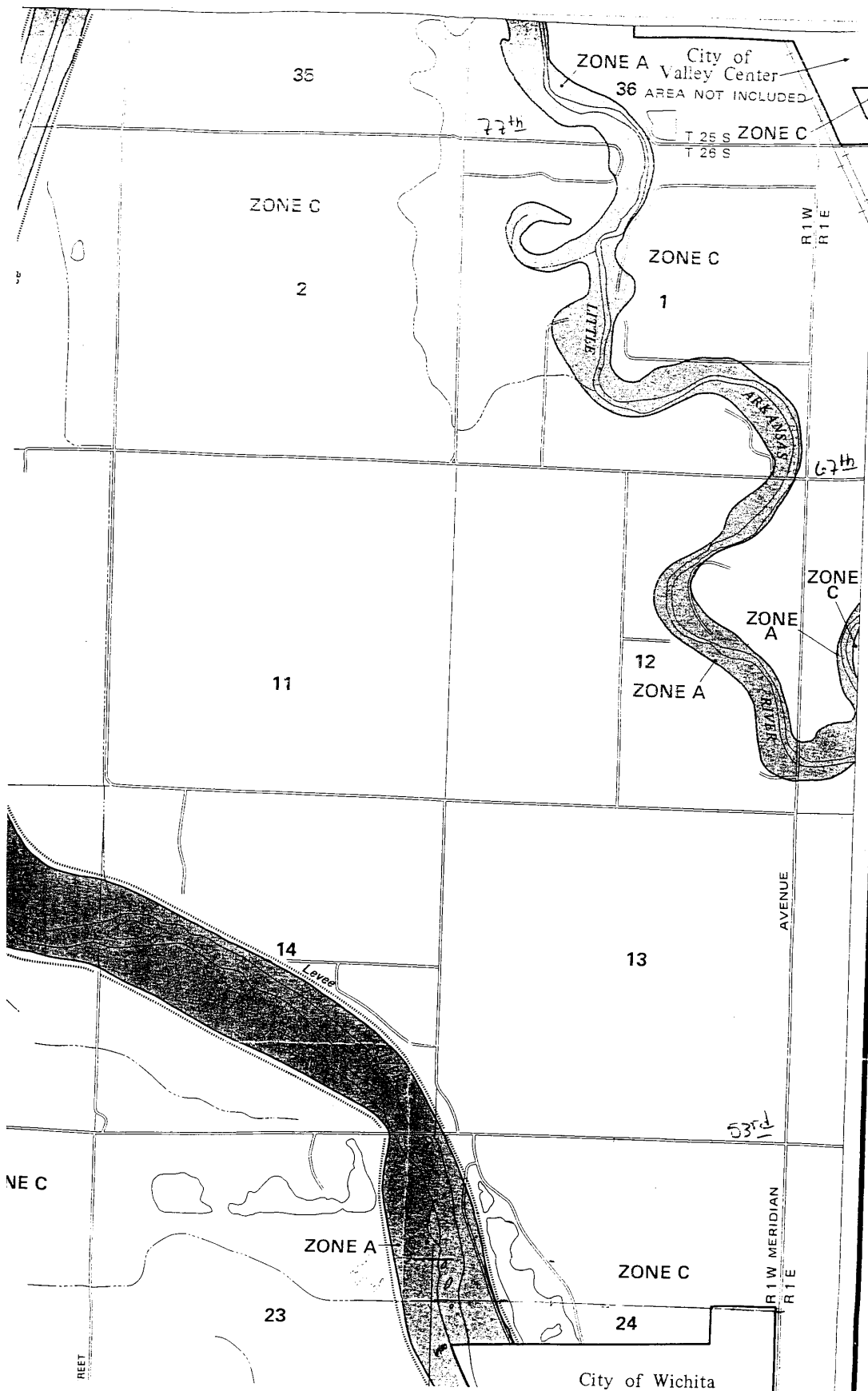
City Hall • 8th Floor • 455 N. Main • Wichita, Kansas 67202

T 316.268.4498



City of Wichita
AREA NOT INCLUDED





K
500-Year Flood Boundary
100-Year Flood Boundary
Zone Designations*

100-Year Flood Boundary
500-Year Flood Boundary

Base Flood Elevation Line
With Elevation In Feet**

Base Flood Elevation in F
Where Uniform Within Zo

Elevation Reference Mark

Zone D Boundary, ———

River Mile

**Referenced to the Natic

*EXPLANATION

ZONE

- A Areas of 100 flood hazard f
- A0 Areas of 100 are between o of inundation are determin
- AH Areas of 100 are between (elevations are are determin
- A1-A30 Areas of 100 flood hazard f
- A99 Areas of 100 protection sy elevations anc
- B Areas between year flood; or ing with averag the contributi mile; or areas (Medium shadi
- C Areas of minim
- D Areas of unde
- V Areas of 100- action); base fl not determin
- V1-V30 Areas of 100- action); base fl determined.

NO

Certain areas not in the spe may be protected by flood i

This map is for flood insur sailly show all areas subje all planimetric features outs

For adjoining map panels,

INITIAL

AL
FLOOD HAZARD E

N



**SEDGWICK COUNTY
PUBLIC WORKS**

1144 S. SENECA
WICHITA, KANSAS 67213-4443
(316) 383-7901
FAX: (316) 263-9241

David C. Spears, P.E.
Director/County Engineer

Freeborn and Peters
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

Attn: Brian Nettles

Re: Burlington Northern and Santa Fe Railroad track abandonment

Dear Mr. Nettles:

Enclosed please find the copies of the floodplain maps that you requested covering the 16.91 miles of track between Milepost 509.30 and Milepost 515.23.

There are no mapped floodplains covering this area.

If you should have any questions, please feel free to contact me at (316) 660-3063 or by email at rlgeorge@sedgwick.gov.

Sincerely,

Robert George, CFM
Floodplain Management Technician

Enc

Cc: Paul Taylor, Director
Jim Weber
File

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

**SEDGWICK
COUNTY,
KANSAS**
(UNINCORPORATED AREAS)

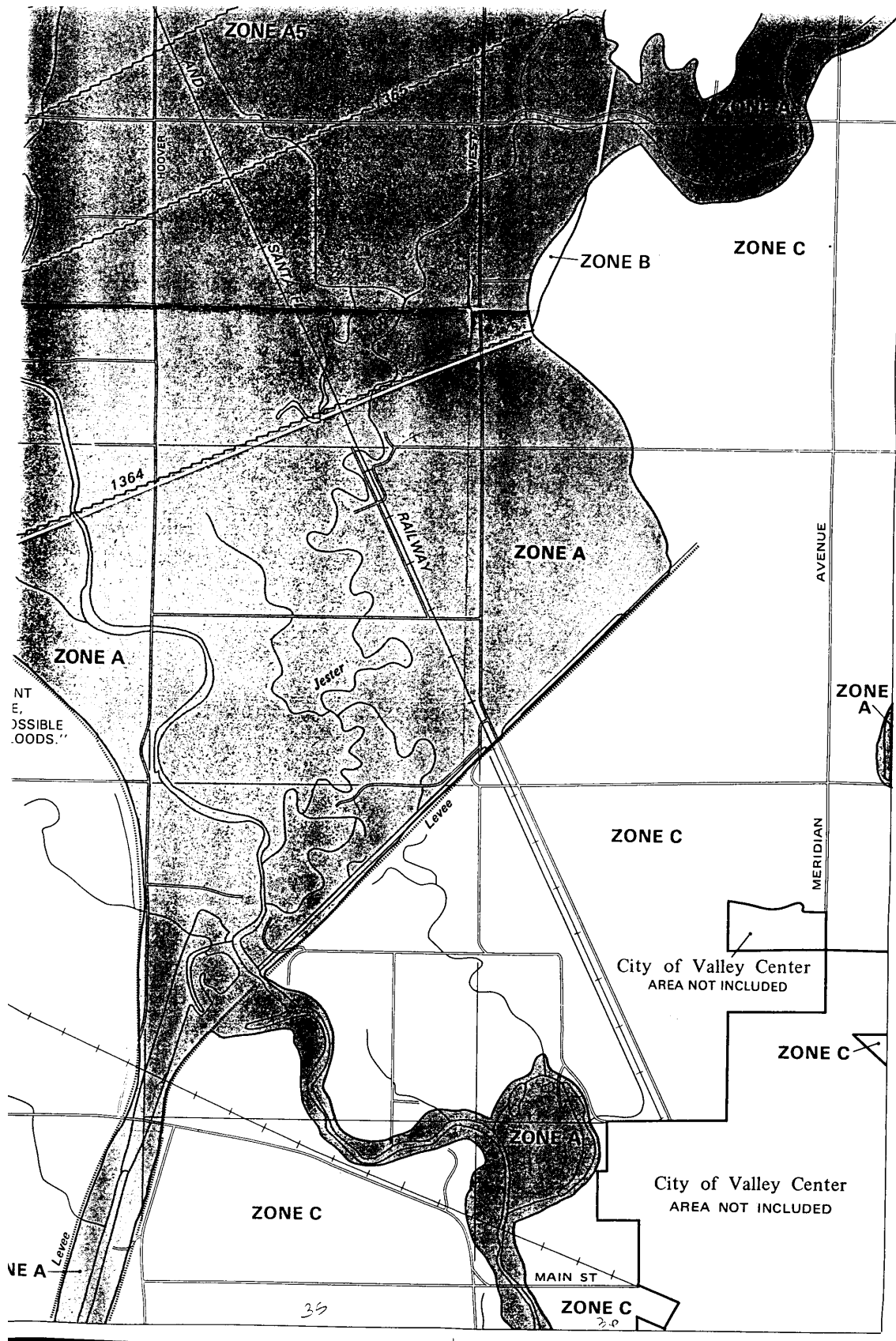
PANEL 50 OF 300

COMMUNITY-PANEL NUMBER
200321 0050 A

EFFECTIVE DATE:
JUNE 3, 1986



Federal Emergency Management Agency



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

**SEDGWICK,
COUNTY,
KANSAS**
(UNINCORPORATED AREAS)

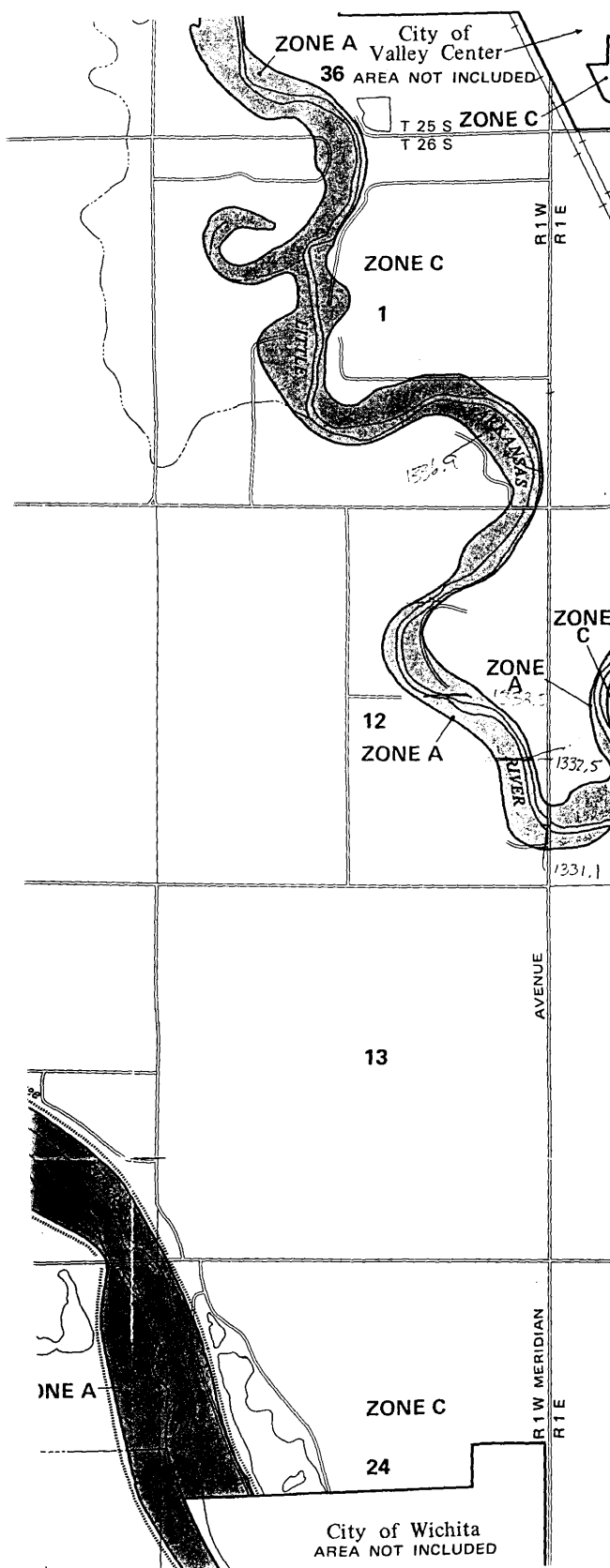
PANEL 125 OF 300

COMMUNITY-PANEL NUMBER
200321 0125

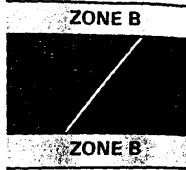
EFFECTIVE
JUNE



Federal Emergency Mar



KEY TO MAP

500-Year Flood Boundary	—————
100-Year Flood Boundary	—————
Zone Designations*	
100-Year Flood Boundary	—————
500-Year Flood Boundary	—————
Base Flood Elevation Line With Elevation In Feet**	~~~~~513~~~~~
Base Flood Elevation in Feet Where Uniform Within Zone**	(EL 987)
Elevation Reference Mark	RM7X
Zone D Boundary,	—————
River Mile	•M1.5

** Referenced to the National Geodetic Vertical Datum of 1929

*EXPLANATION OF ZONE DESIGNATIONS

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
A0	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A ⁺ -A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V ⁺ -V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

NOTES TO USER

Areas not in the special flood hazard areas (zones A and V) may be protected by flood control structures.

This map is for flood insurance purposes only; it does not necessarily show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.

For adjoining map panels, see separately printed Map Index.

INITIAL IDENTIFICATION:

AUGUST 2, 1974

FLOOD HAZARD BOUNDARY MAP REVISIONS:

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

**SEDGWICK
COUNTY,
KANSAS**
(UNINCORPORATED AREAS)

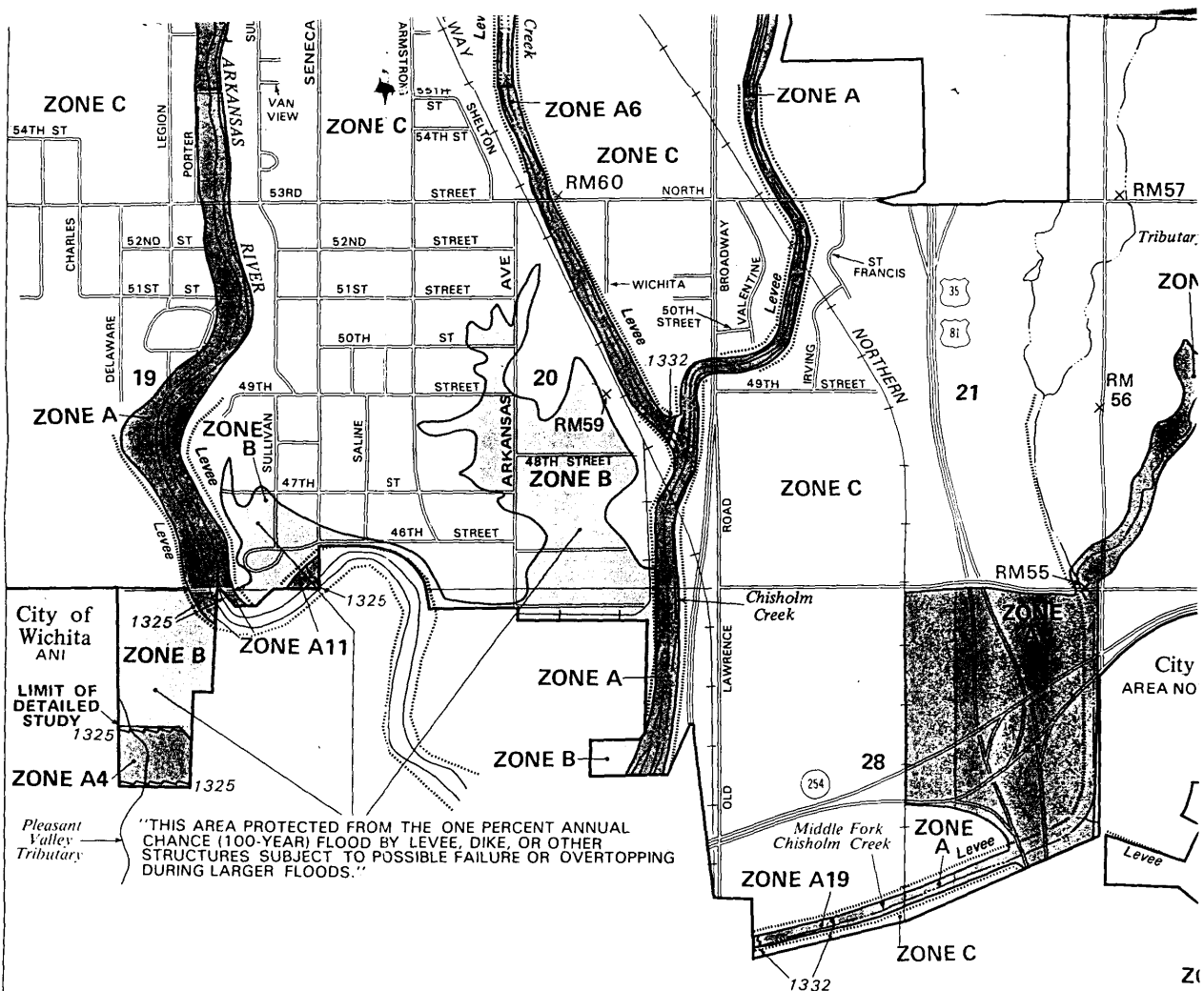
PANEL 150 OF 300

COMMUNITY-PANEL NUMBER
200321 0150 A

EFFECTIVE DATE:
JUNE 3, 1986

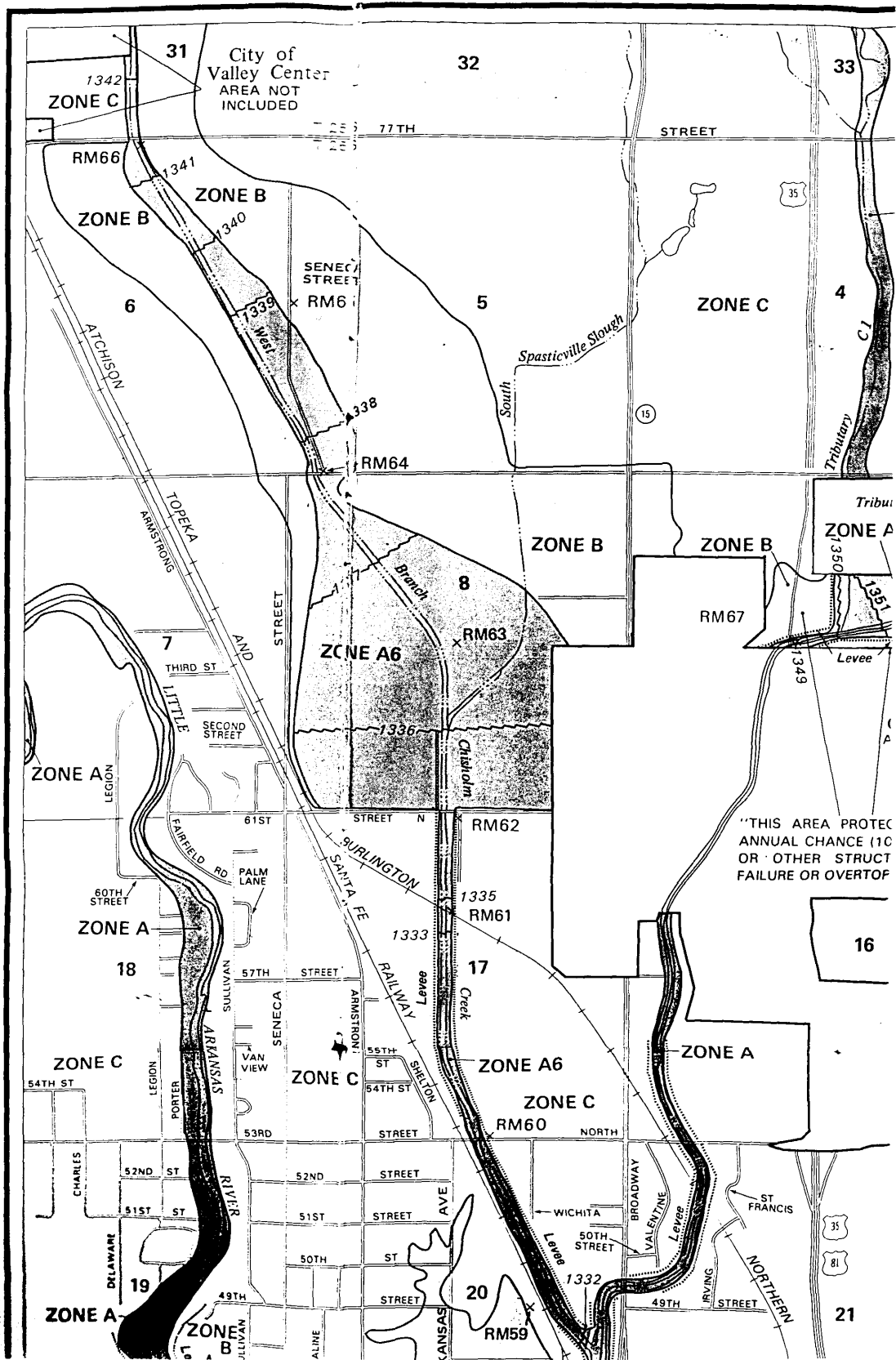


Federal Emergency Management Agency



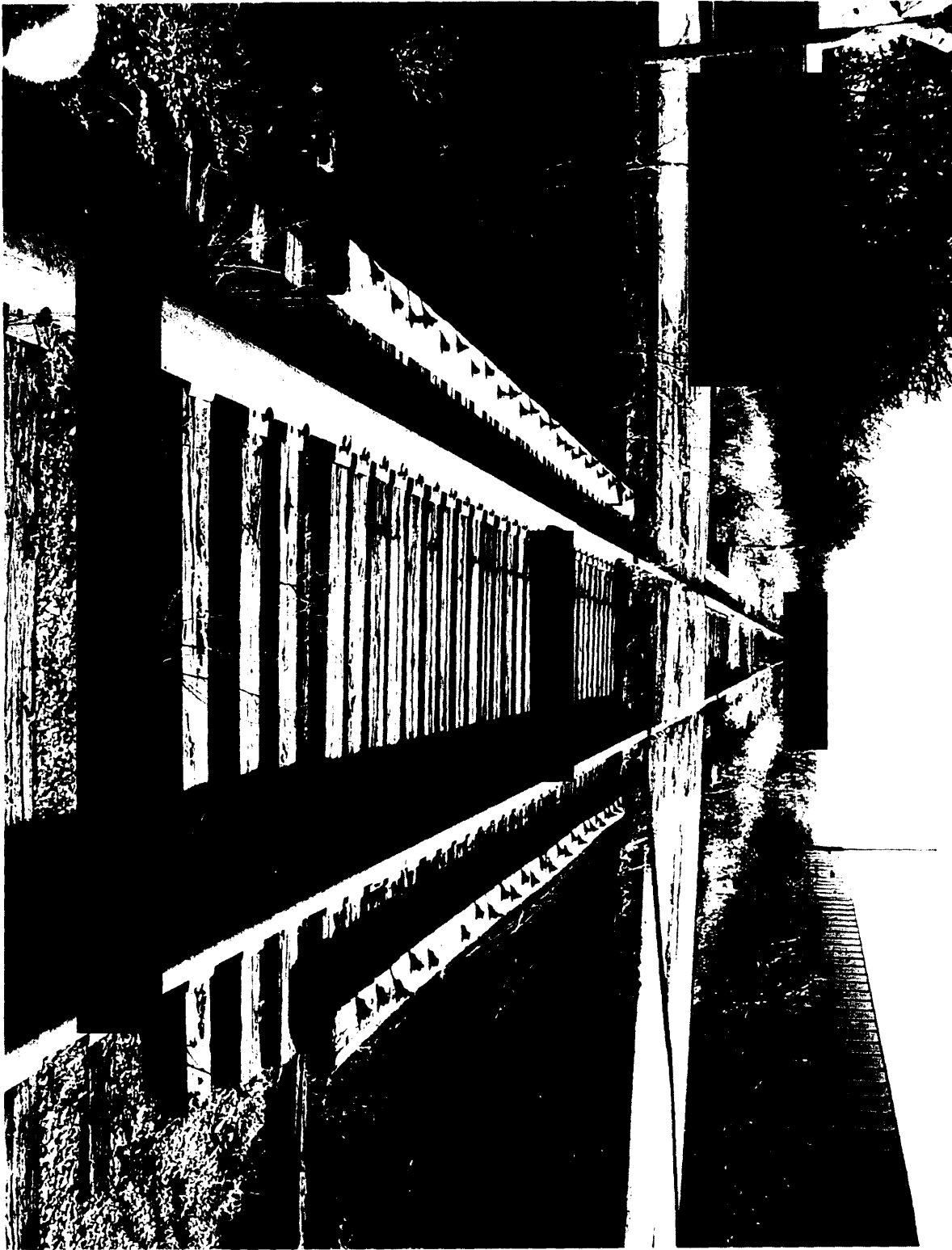
ELEVATION REFERENCE MARKS

REFERENCE MARKS	ELEVATION FEET(NGVD)	DESCRIPTION OF LOCATION
RM 21	1317.20	Top of iron in thimble at the northwest corner of intersection at Central Avenue and 143rd East.
RM 22	1334.59	A chiseled square in the curb of the north radius of the island in the middle of the St. Court about 1,400 feet south of 13th Street North.
RM 23	1347.81	A chiseled square in east abutment on north side of the Burlington Northern Railroad bridge over Chisholm Creek.
RM 24	1352.39	Railroad spike in high line pole located 50 feet northwest of the intersection of 13th Street and 143rd East.



O













P



**KANSAS
STATE
HISTORICAL
SOCIETY**

◆
Cultural Resources Division
Extension 240

◆
6425 S.W. 6th Avenue
Topeka, Kansas
66615-1099
PHONE# (785) 272-8681
FAX# (785) 272-8682
TTY# (785) 272-8683

◆
KANSAS HISTORY CENTER

Administration
Center for Historical Research
Cultural Resources
Education / Outreach
Historic Sites
Kansas Museum of History
Library & Archives

HISTORIC SITES

Adair Cabin
Constitution Hall
Cottonwood Ranch
First Territorial Capitol
Fort Hays
Goodnow House
Grinter Place
Hollenberg Station
Kaw Mission
Marais des Cygnes Massacre
Mine Creek Battlefield
Native American Heritage Museum
Pawnee Indian Village
Pawnee Rock
Shawnee Mission

May 25, 2001

Brian Nettles
Paralegal
Freeborn & Peters
311 S Wacker Dr Suite 3000
Chicago IL 60606-6677

Re: Abandon Burlington Northern and Santa Fe Trackage Between Wichita and
Valley Center
Sedgwick County

Dear Mr. Nettles:

We have reviewed the project identified above and have determined that it should not affect any property listed on the National Register of Historic Places or otherwise identified in our files as having historical significance. This office has no objection to implementation of the project.

Sincerely yours,

Ramon Powers
State Historic Preservation Officer

Richard Pankratz, Director
Historic Preservation Office

clg